

DEPOSITED COPY ORIGINAL

Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554

RECEIVED

JUN - 7 1994

TELEPORT COMMUNICATIONS GROUP INC.

In the Matter of)	
)	CC Docket No. 92-237
Administration of the)	Phases One and Two
North American Numbering Plan)	

COMMENTS OF TELEPORT COMMUNICATIONS GROUP INC.

TELEPORT COMMUNICATIONS GROUP
Paul Kouroupas
Director, Regulatory Affairs
One Teleport Drive, Suite 301
Staten Island, New York 10311
(718) 983-2634

June 7, 1994

No. of Copies rec'd
List A B C D E

004

**Before the
FEDERAL COMMUNICATIONS COMMISSION
Washington, D.C. 20554**

ECF - 7 200

In the Matter of)	
)	CC Docket No. 92-237
Administration of the)	Phases One and Two
North American Numbering Plan)	

COMMENTS OF TELEPORT COMMUNICATIONS GROUP INC.

I. INTRODUCTION

Teleport Communications Group Inc. (TCG) is the oldest and largest competitive access provider (CAP) in the nation, providing competitive local telecommunications services to over 150 communities in fourteen states.

In addition to providing interstate and intrastate dedicated access services, TCG provides interstate and intrastate switched telecommunications services as well¹ and requires North American Numbering Plan (NANP) resources for these services. Without NANP resources, TCG is unable to provide switched telecommunications services which are technically, operationally, administratively and economically comparable with incumbent local exchange carriers' (LECs) services.

¹ TCG provides intrastate dedicated and switched services pursuant to State Certificates of Public Convenience and/or tariffs.

Non-discriminatory access to NANP resources is therefore critical for TCG and other similar carriers to continue the competitive development of the nation's local telecommunications infrastructure.²

However, TCG must rely upon incumbent LECs -- clearly strategic competitors in the marketplace -- for the direct assignment of Central Office (NXX) codes and other NANP resources for the provision of services. The efforts of the Federal Communications Commission (Commission) in this docket are therefore critical to the development of effective competition for telecommunications services: the Commission must end the LEC monopoly over NANP resources, especially NXX codes.

II. JURISDICTIONAL ISSUE

TCG agrees with the Commission's assertion of plenary jurisdiction over all NANP resources.³ NANP resources are critical to the development of a "network of networks" for both interstate and intrastate services. However, because NXX codes

² The Commission's most recent "Fiber Deployment Update" recognizes the important contribution TCG and other similar carriers make to the nation's telecommunications infrastructure. Not only do these carriers deploy fiber infrastructure themselves, but they spur the LECs to deploy such infrastructure as well.

³ Notice at 4.

cannot be jurisdictionally separated⁴, the assignment of NXX codes must fall under one authority -- the Federal Communications Commission.

III. CENTRAL OFFICE CODE ASSIGNMENT GUIDELINES

A critical step in the eventual elimination of the LEC monopoly over NANP resources was recently completed with the development of the Central Office Code Assignment Guidelines (Guidelines) by the Industry Carriers Compatibility Forum (ICCF). TCG co-chaired that effort and believes that the Guidelines go a long way towards rationalizing the process of assigning NXX codes.

The Guidelines were created at the behest of the Commission and were forwarded to the Commission in July 1993. The Guidelines establish clear criteria for the direct assignment of CO codes and provide extensive guidance for the conservation of number resources.⁵

⁴ See, The Need to Promote Competition and Efficient Use of Spectrum for Radio Common Carrier Services, 2 FCC Rcd 2910, 2912 (para. 19) (1987), recon. 4 FCC Rcd 2369, 2369-70 (para 7) (1989). "It may be not only infeasible but impossible as a matter of engineering to separate one set of NXX codes for intrastate calls and one set for interstate calls."

⁵ According to the Guidelines, NXX codes are to be assigned "to the extent required to terminate PSTN (Public Switched Telephone Network) traffic as authorized or permitted by the appropriate regulatory or governmental authorities..." (See, Section 4 of the Guidelines at p.5.)

However, even with the Guidelines in place, there remains a risk that some LECs will not act in conformance with the Guidelines. Therefore, coincident with the filing of these comments, TCG is filing CO code requests with each and every Regional Bell Operating Company (RBOC) where TCG operates.⁶ These requests ask for NANP resources for the provision of TCG's interstate call completion services (i.e., switched access), as well as for local switched services, where applicable.⁷

Because the Guidelines require code administrators to respond to the applicant within ten days, TCG will report to the Commission through our reply comments which RBOCs complied with the Guidelines and which did not.

Regardless of the outcome, it should be evident that TCG -- or any other potential telecommunications carrier -- should not have to rely on a strategic competitor for a critical resource. The process of applying for and assigning NXX codes requires a great deal of information regarding a carrier's network and customer base.⁸ Many

⁶ The requests were sent to Ameritech, NYNEX, Pacific Bell, Southwestern Bell, and US West.

⁷ TCG provides interstate call completion service pursuant to tariff filed with the Commission. TCG also provides local switched telecommunications services in many jurisdictions.

⁸ In applying for an initial NXX code, carriers must provide detailed information regarding their switch and the services that will be provided over it. For additional NXX codes, carriers must provide the percent fill rate of past NXX codes. This information allows the LEC to monitor its competitor's growth. By tracking where the NXX codes are being assigned, the LEC will know precisely where this growth is occurring. At a time when more and more LECs are obtaining price deaveraging of some sort or another, this information becomes very valuable.

carriers do not feel comfortable divulging such sensitive competitive information to the LECs. By the same token, many LECs would probably prefer not to receive this information due to at least the appearance of a conflict of interest.

In light of the above, TCG concurs with the Commissions' conclusion that NANP administration should no longer remain under the control of the incumbent LECs. It is especially true that the individual LECs should no longer be responsible for the assignment of NXX codes and that this function should be included as part of the new NANP administrator's function.

IV. NANP ADMINISTRATION

Creating a new NANP administration is no simple task. However, recent developments within the industry should assist this effort greatly. First, with the development of the Industry Numbering Committee (INC), the industry can continue to develop guidelines for the administration of NANP resources through a collaborative, inclusive process.

These guidelines can then be forwarded to a NANP administrator who performs purely ministerial functions including: (1) all activities currently performed by Bellcore's North American Numbering Plan Administration (NANPA); (2) all NANP administration functions currently performed by various LECs in their respective

service territories (e.g., NXX code assignments); (3) all related database and information dissemination functions currently performed by Bellcore's Traffic Routing Administration (TRA)⁹; and (4) any other general database or administrative functions associated with numbering resources; e.g., the 800 number portability database.

Because the new NANP administrator will be limited to ministerial functions, the selection of a new NANP administrator could be selected through a simple Request For Proposal (RFP) process. There are a host of organizations capable of managing the NANP resource, performing the administrative functions and maintaining the associated databases.

Funding for the new NANP administer can be derived from fee assessments for the assignment of NANP resources. However, this fee must not only be assessed prospectively, but retroactively as well. That is, fees for NANP resources must be assessed on the imbedded base of NANP resources. By so doing, it will provide an incentive for carriers to "return" unused NANP resources and generally aid conservation efforts.¹⁰

⁹ For example, oversight and administration of the Routing Database System (RDBS), the database from which Local Exchange Routing Guides are generated, and the Bellcore Rating Administrative Data System (BRADS), the large database that contains NANP rating information.

¹⁰ Further efforts should be made to permit landline carriers to share NXX codes. While this is not an existing practice, it should be encouraged as a conservation effort.

Periodically the industry should have an opportunity to evaluate the new NANP administrator and make a recommendation to the Commission as to whether or not to renew the contract. Evaluations should consider such factors as:

- (1) Is the NANP administrator fair and impartial in the administration of NANP resources?
- (2) Does the NANP administrator adhere to the guidelines created by INC?
- (3) Is the NANP administrator ensuring that NANP resources are used efficiently by the industry?
- (4) Is the NANP administrator performing annual studies and surveys to determine utilization levels of NANP resources and to project exhaust?
- (5) Does the NANP administrator communicate with the industry and with appropriate regulators?
- (6) Is the NANP administrator operating in an efficient manner?

Obviously, this is not an exhaustive list of criteria, but periodic evaluations will go a long way towards ensuring that the ministerial functions associated with NANP administration are performed competently.

V. POLICY MAKING AND DISPUTE RESOLUTION

Inevitably, questions of public policy will arise during the development of industry guidelines concerning NANP resources.¹¹ It is absolutely critical to obtain rapid

¹¹ The most public of these policy questions regards the assignment of NPAs to individual entities. No doubt, other such issues will arise as INC is asked to develop guidelines for NANP resources.

resolution of these matter so as not to delay the utilization of NANP resources.

However, the Commission is bound by the Administrative Procedures Act and must provide due process to all interested parties before finally acting upon a matter.

One method of quickening the decision-making process is for INC to forward to the Commission Requests for Declaratory Rulings in those instances where "simple" questions of policy arise. For more complex policy issues, existing Commission processes must be utilized.

With regards to disputes, the Commission can dedicate an Administrative Law Judge (ALJ) to hear NANP resource disputes. Since the new NANP administrator will simply be interpreting existing guidelines, should an applicant differ in their interpretation of guidelines, the applicant can bring the matter to an ALJ for a definitive interpretation which is of course appealable to the full Commission. Disputes which arise during the development of guidelines by INC can similarly be brought before the ALJ.

VI. NUMBER PORTABILITY

The Commission's decision to defer consideration of local number portability¹² is unfortunate. More than any other measure, local number portability can foster greater

¹² By local number portability, TCG means "service provider portability" which allows a customer to change local carriers within an NPA without having to change their telephone number.

conservation of the NANP resource. By most estimates, there is at maximum only a 25% utilization rate of existing telephone numbers. This means that 75% of the telephone numbers remain idle. Yet, carriers and the public are forced to undergo extensive and expensive conservation measures due to projected NPA exhausts.

Local number portability will cure this problem by allowing full utilization of NPAs. Many NPAs and NXXs are assigned to areas and companies with relatively few access lines. For instance, it is not uncommon for a telephone company with as few as 200 access lines to have assigned a full NXX code with 10,000 numbers. This scenario is repeated across the country in thousands of communities.

Number portability would permit such telephone companies to be assigned only the amount of telephone numbers actually needed. Number portability combined with a surcharge for NANP resources would go a long ways towards extending the life of the existing NANP.

For this reason, the Commission should continue its inquiry into number portability. One of the key issues regarding number portability is database management and other associated administrative functions. The new NANP administrator could undertake these functions as well.

VII. DIALING PLANS

The issue of dialing plans is becoming increasingly important and cannot be separated from the issue of NXX code assignments. As various regions face area code (NPA) exhaust, one way to avoid splitting an area code into two area codes is to establish an overlay area code. In New York, for instance, the 917 area code overlays the 212 area code and is used by wireless service providers. This means that consumers are required to dial 1+ ten digits to reach a wireless service, but can dial only seven digits to reach a wireline carrier -- the LEC.

This may be a satisfactory dialing distinction between wireless carriers and wireline carriers, but it is unacceptable for competing wireline carriers. Nonetheless, through their NXX code assignment function, LECs can assign competing wireline carriers NXX codes in an overlay area code, thus permanently disadvantaging these carriers in the retail market by requiring consumers to dial a foreign area code to reach the competing carrier.

Overlay area codes also avoid having the LECs' embedded base of customers change their telephone numbers. This is in obvious recognition of the fact that telephone number changes are very costly and troublesome to end users. One could even conclude that LECs prefer overlays to area code splits because area code splits represent a significant marketing opportunity for competing landline carriers: a lack of

number portability is not an issue since customers are changing their telephone number anyway.

Either the Commission must establish a uniform dialing plan for the nation, or the Commission must retain vigorous oversight of LEC area code exhaust planning and NXX code assignment activity until such time as a new NANP administrator is established. The LEC's decision to implement an overlay area code versus an area code split should be scrutinized and in no event should LECs be permitted to assign overlaid NXXs to competing wireline carriers unless and until established area codes are fully exhausted or there is a uniform 1+ ten digit dialing plan.

VIII. CONCLUSION

Future administration of NANP resources is critical to the continued development of a competitive local telecommunications market into a nation-wide "network of networks". The Commission is correct in its conclusion that NANP administration should be conducted by a third-party, non-governmental entity. The Commission is also correct in its conclusion that NANP administration should include those functions currently performed by individual LECs, especially NXX code assignments.

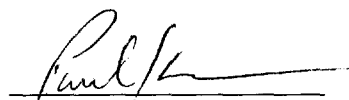
NANP administration is particularly suited to industry-government cooperation. Current efforts by the Industry Numbering Committee to develop guidelines for the

uniform assignment of NANP resources should and must continue. However, greater involvement on the part of the Commission is critical to the success of these efforts.

By dedicating an Administrative Law Judge to hear numbering disputes and by being receptive to Requests for Declaratory Rulings, the Commission could assist the industries' efforts to manage the NANP resource for the benefit of all.

Respectfully submitted,

TELEPORT COMMUNICATIONS GROUP

A handwritten signature in black ink, appearing to read "Paul Kouroupas", written over a horizontal line.

Paul Kouroupas
Director, Regulatory Affairs
One Teleport Drive, Suite 301
Staten Island, New York 10311
(718) 983-2634

June 7, 1994